

3:21-mj-00125

DISTRICT OF OREGON)
) ss. AFFIDAVIT OF JEFFREY THOMAS
COUNTY OF MULTNOMAH)

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Jeffrey Thomas, being first duly sworn, hereby depose and state as follows:

Introduction and Agent Background

1. I am an investigative or law enforcement officer of the United States, within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

2. I am currently employed as a Special Agent with the Drug Enforcement Administration and have been since May of 2012. My current assignment is with the DEA Salem Resident Office, investigating controlled substances crimes. My training and experience includes completion of the sixteen (16) week DEA Basic Agent Training course at the Justice Training Center in Quantico, Virginia. This training focused on the identification of controlled substances; how controlled substances are consumed; the means by which drug traffickers derive, launder, and conceal their profits from drug trafficking; the use of assets to facilitate unlawful drug trafficking activity; and the laws relating to the forfeiture to the United States of assets purchased with drug proceeds or assets used or intended to be used to facilitate drug violations. I am familiar with investigations of drug trafficking organizations, including methods of importation and distribution of controlled substances. I have assisted with multiple investigations, including nine wiretap investigations, and cases involving organizations trafficking several different controlled substances to include heroin, methamphetamine, cocaine,

counterfeit oxycodone pills and marijuana. These investigations have resulted in the seizure of controlled substances as well as United States currency and the prosecution of many defendants.

Purpose of Affidavit

3. This affidavit is submitted in support of a criminal complaint and arrest warrant for Sean Michael Kirkpatrick, Caucasian male, date of birth XX/XX/1987 (hereinafter “KIRKPATRICK”), for possession with intent to distribute methamphetamine in violation of Title 21 United States Code, Sections 841(a)(1).

4. I have obtained the facts set forth in this affidavit through my personal participation in the investigation described below; from oral and written reports of other law enforcement officers; and, from records, documents and other evidence obtained during this investigation. I have obtained and read official reports prepared by law enforcement officers participating in this investigation and in other related investigations.

Statement of Probable Cause

5. On June 5, 2021, United States Magistrate Judge Jolie A. Russo, District of Oregon, signed a search warrant (21-MC-649) for the residence located at 5947 NW St. Helens Road Apt. 1, Portland, Oregon (“Apt. 1”). This is the primary residence of KIRKPATRICK and Kimberly Wells (hereinafter “WELLS”).

6. On June 8, 2021, officers executed the search warrant at Apt. 1. KIRKPATRICK and WELLS were encountered inside Apt. 1 and were taken into custody. I advised KIRKPATRICK and WELLS of their *Miranda* rights and both nodded that they understood their rights. Neither KIRKPATRICK nor WELLS requested an attorney and both gave brief interviews. Apt. 1 was comprised of a kitchen, bathroom, living room and a single bedroom.

7. Pursuant to a search of Apt. 1, officers located user amounts of methamphetamine and a methamphetamine pipe at the right side of the bed, which was identified by both KIRKPATRICK and WELLS as WELLS' side of the bed. At the left side of the bed, KIRKPATRICK's side of the bed, agents located a small gray zippered bag on the floor by the nightstand. Inside the bag agents located more than 300 grams of suspected methamphetamine. KIRKPATRICK told SA Thomas that this was his side of the bed and that he had been smoking methamphetamine from this bag. KIRKPATRICK did not admit to selling methamphetamine but did admit that people came to his apartment looking to purchase methamphetamine. Additionally, agents located a box of plastic sandwich baggies and a digital scale in a drawer in the living room. Two other digital scales were also located in other areas of Apt. 1. Based on my knowledge and experience, I know 300 grams is a distributable quantity far in excess of a personal use quantity of methamphetamine. Furthermore, I know that it is common for people that sell drugs to package those drugs in plastic bags and that digital scales are commonly used to weigh drugs for distribution.

8. Officers later performed a field test of the methamphetamine seized from Apt. 1. Each field test provided a presumptive positive result for the presence of the methamphetamine.

9. On June 3, 2021, MCSO Det. Read spoke with KIRKPATRICK's probation officer who reported that KIRKPATRICK is on probation for unlawful distribution of heroin.

Conclusion

10. Based on the foregoing, I have probable cause to believe, and I do believe, that the crime of possession with intent to distribute methamphetamine in violation of Title 21 United States Code, Sections 841(a)(1) has been committed by Sean Michael Kirkpatrick.

11. Prior to being submitted to the Court, this affidavit, accompanying criminal complaint, and arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Ashley Cadotte for the District of Oregon. AUSA Cadotte advised me that in her opinion the affidavit and criminal complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

/s/ Jeffrey Thomas

JEFFREY THOMAS

Special Agent, Drug Enforcement Administration

Subscribed and sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 8:44 a.m/p.m. on 9th day of June, 2021.

Stacie Beckerman

HONORABLE STACIE F. BECKERMAN

United States Magistrate Judge